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ABSTRACT

This paper identifies major education goals that conflict with educational choice and explores the context and causes of the conflict. Implications for family choice of the numerous reforms currently gaining nationwide support are examined, along with public policies that deny choice, such as attendance requirements, state-imposed curriculum requirements, teacher certification requirements, and tracking, either formally or informally through counselling. After an introductory overview, these issues are discussed first from the perspective of the consumer, then from that of society. Finally, in a section addressing the compatibility of choice and educational reform, prospects for increased choice are considered in light of the political and administrative relationships predominant within the contemporary public school system. Extensive footnotes and a 40-item bibliography are included. (TE)

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EDUCATION REFORM AND EDUCATION CHOICE: CONFLICT AND ACCOMMODATION

By

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INTRODUCTION

The public school system of today faces tremendous pressures to be all things to all people. It is expected to serve both as a "Great Melting Pot" and conservator of many and diverse cultures. The impossibility of this dual task has led many educators to the conclusion that the school that attempts to please everyone will in the end please no one, and that public schools should make available a variety of alternatives to their students. Accordingly, public schools have, over time, used a variety of strategies to expand both curricular options and parental control over education.

On the other hand, the very concept of compulsory education suggests that the nation has chosen to remove certain choices from the individual. From this basic compulsion flows requirements for curriculum, graduation, years in school, length of school day and a multitude of related matters, all of which remove choice from families. Moreover, policy makers use the school system as an instrument of social policy (e.g., requiring segregation before 1954 and requiring desegregation since 1954), suggesting that at least some individual choices must give way to broader public goals.

In this paper, we identify major education goals that conflict with education choice, and explore the context and causes of the conflict. We examine the implications for family choice of the numerous reforms currently gaining nationwide support. We also examine public policies that deny choice, such as compulsory

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attendance requirements, state-imposed curriculum requirements, teacher certification requirements, and tracking, either formally or informally through counseling. Finally, we speculate about the prospects for increased choice in light of the political and administrative relationships predominant within the contemporary public school system.

For the purpose of this discussion, "education choice" will refer to choices made available to each family, or to the student in the case of older students, that permit individualized selection among schools, programs, courses, classrooms or school systems. It refers to the mix of resources, processes and environments that a family may desire. Examples of choice include the availability of elective courses, experimental alternative schools, magnet schools and tuition voucher programs. We exclude proposals for tuition tax credits or other tax benefits that would enable families to choose private school, as these have been analyzed extensively elsewhere.

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AN OVERVIEW

Choice in education is a relatively modern concept. When the idea of compulsory education became a reality in the United States, the full force of law was used to deny choice. Most notably, public schools were developed as Protestant institutions, a fact that spurred the rise of the largest number of private education alternatives in America -- the Roman Catholic schools (Lines, 1984). This rather rigid religious orientation of the public schools continued well into this century, giving way slowly to a more ecumenical view, and finally to official secularism in the 1960s (Lines, 1984).

The 1960s also saw the birth of choice within public schools -- most notably, the idea of alternative public schools had come of age. The same political movement of the 1960s that established "freedom" schools in the South -- providing Blacks, with alternative education, while boycotting segregated public schools -- gave rise to alternative schools (Graubard, 1972). The counterculture movement of the 1960s also contributed to the movement (Bass, 1978; Graubard, 1972).

Choice seems often to conflict with broad public reforms, adopted to achieve the collective goals of society. Certainly the early choice of Roman Catholics to leave the public system deprived reformers of the opportunity to enlighten the "dark and stolid infidelity and vicious radicalism of a large part of the foreign immigrating population."[1] The choice of southern Blacks to boycott segregated public schools and attend free schools

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undermined segregationist policies. Conversely, the subsequent free choice plans of the South undermined desgregation policies.[2] Pursuit of major public goals seems almost inevitably to spur a search for alternatives among those who dissent.

Public goals have changed over time. For example, during the 1940s and 1950s, education policies gave much attention to student interests and activities. With the launching of Sputnik in 1957, priorities shifted to high academic standards and programs for the gifted and talented. From 1965 to about 1975, schools began to respond to the pressing problems of poverty and crime. During this period, school desegregation suits were successfully maintained in areas outside the South, and litigation over implementation of desegregation requirements began to have an impact on pupil assignments in schools.[3]

At the same time these major reforms rocked the schools, the demand for alternatives in public education grew. Experiments with alternative schools and other mechanisms for expanding choice grew. Growth in alternatives abounded, but not necessarily in the states that were most affected by desegregation orders.

By 1983 the pendulum had swung again, and interest in academic standards and the gifted again dominated the scene in a way reminiscent of the Sputnik era. Nonetheless, several fundamental public goals have endured these extreme shifts in education policy and they represent the strongest potential conflict with individual choice.

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To understand how choice operates to meet the needs of diverse constituencies, it is useful to examine individual goals, of both the consumer and the service provider, and to compare these with broader public goals. Thus, we begin with a discussion of goals of education as viewed from the perspective of consumers. This will facilitate a comparison with other perspectives and an understanding of obstacles to fuller choice for individuals.

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THE PERSPECTIVE OF THE CONSUMER

Goals of Individuals

It is reasonable to assume that most, if not all, parents desire a basic education for their children. That is, parents want their children to receive knowledge and training sufficient for a productive adult life. Beyond this, it is difficult to generalize about the education goals of individuals. Parents may hope for any number of the following possible results of schooling for their children:

- Maintenance of religious, political, cultural or philosophical ideologies and beliefs
- Acquisition of competencies and skills in computer literacy, science, creative writing, the arts or other specialized areas
- Association with a specific peer group and status due to the socioeconomic identity of a school
- Maintenance of a particular school environment, with more or less emphasis on discipline, control of students, or freedom for students
- Day care

Rather than attempt to respond to each of these with broad policy changes, school officials typically adopt strategies designed to permit choice in education, within limits.

Public Strategies to Enhance Education Choice

A single response to individual goals is impossible, as no social consensus exists concerning the educational interests of children. Thus, policy makers turn to strategies that allow different results for different families -- strategies for providing greater consumer choice. Even these vary. Roughly,

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public policies enabling education choice fall into three categories: expansion of curricular options or education styles within schools, expansion of choices among types of schools, and expansion of family control over policies affecting an individual school. All are premised on the belief that there is no best way to educate all children and that consumers (parents and students) should have a greater voice in determining the content and processes of education (Fantini, 1973; Bass, 1978).

Expanding Options Within Schools

Most often, educators have settled on elective courses or even elective tracks as a way to expand choice. This is especially true for high schools. In addition to English, math and science, high schools now offer such electives as sociology, psychology, speech, philosophy, social problems, music and art history. In some instances, elective tracks are available where students can concentrate on a single or closely connected series of subjects. Some choose math or computer science; others, music or art. Many choose vocational education. Special programs have also been developed for gifted and talented students in both elementary and secondary schools.

An alternative approach has been to focus less on curricula and more on education philosophies or approaches to education within a single school. The options may emphasize a less structured environment, self-paced curricula, emphasis on drill, or some other difference in approach (Bass, 1978). The "choices" may use educational innovations such as television instruction,

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nongraded programs, independent study or flexible scheduling.

Some might argue that the proliferation of elective courses and/or elective tracks offered by the public schools has diluted the quality of education, at worst, or represents the "repackaging" of high school curricula to correspond to college course offerings, at best (Adelman, 1983). Similarly, the literature on innovations in the public schools is inconclusive about the quality of these innovations (Nelson and Sieber, 1976). Nonetheless, they represent one major strategy for expanding the options available to education consumers.

Expanding Options Among Schools

Attempts to increase choice among schools have given rise primarily to alternative schools, magnet schools and minischools. Surveys conducted since the 1970s show that the movement is widespread. A 1974 survey estimated that one in four districts in the nation offered alternative education programs; 66% of the districts with over 25,000 students said they had alternatives (or "options," the exact term used in the survey) (NSBA, 1976). Depending on one's definition, the numbers of alternative schools have been variously estimated at from less than 10 in 1970 to over 1,200 in 1975 (Proshansky, 1981; Bass, 1978).

While the rate of growth has declined, alternative schools are thriving according to a 1982 survey of secondary alternatives (PAE, 1982). Students seldom leave an alternative school, and when they do it is most often to attend another (Proshansky). Some alternative schools have focused on the basics while others

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have specialized in science, math, art, music or nontraditional subject matter (Bass). Some have been established to provide compensatory education to the educationally disadvantaged. Many have adhered to the traditional school curriculum, but have emphasized nontraditional teaching and assessment methods (e.g., open classrooms, nongraded programs or individual-directed study). Alternatives are more prevalent at the secondary level (NCOPE, 1972; NASP, 1974; PAE, 1982). While the period of rapid growth seems over, school districts continue to expand on the idea.[3]

The magnet school has most often been used as part of a desegregation effort. They are usually located within a predominantly minority neighborhood, and emphasize special curricular goals or a teaching philosophy as the means of attracting students to the school. As such, they are alternative schools with a dual purpose.

Magnet schools might also be specialized schools where students attend part time, returning to a neighborhood school.[4] This allows students to receive instruction in courses for which the demand is too low at individual schools. Where economies of scale permit, minischools have served the same purpose by providing specialized curricula and/or learning environments as a subsystem within a neighborhood school.

Systems of choice modeled after a program for tuition vouchers, but with choice limited to public schools, have also been attempted. Parents of high school students in Vermont and New Hampshire have been allowed for years to send their children to <u>any</u> public secondary school in the state if their own town

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failed to maintain one. In such cases, the sending school district pays tuition to the receiving district. A number of states provide tuition vouchers for handicapped children where the public schools will not or cannot provide an appropriate education.[5] A federally sponsored effort to test the tuition voucher concept spurred an extensive public school choice program in Alum rock, California (near San Jose). The Alum Rock experiment, although begun as a voucher experiment, was not a true voucher experiment as choice was limited to public schools. To expand the number of choices available to parents and students, the district permitted teachers and administrators to organize two or more minischools within a single building. Although only a modest number of children transferred to non-neighborhood schools during this experiment, the number increased somewhat each year,[6] and parent-pupil satisfaction increased (Cohen and Farrar, 1977). The concept essentially combines, on a large scale, the features of minischools and choice within schools.

Expanding Parent Control

Even where choice among course offerings or schools is not available, families may pursue individual goals through greater control of education policy -- control of the curriculum, over teachers, environment, materials selected, allocation of local education dollars and sometimes even allocation of dollars between education, other governmental services and tax reductions. At about the same time that alternative schools first became popular,

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there was pressure in large urban districts to decentralize control of the public schools.

By establishing community controlled school districts, it was reasoned that parents could more easily voice their concerns for and desires about their children's education. This assumption was also behind federal and state statutory mandates requiring parental advisory committees. The parental advisory committees in Title I of the federal Elementary and Secondary Education Act[7] followed, and state finance acts in, for example, California, Florida and South Carolina[8] continue to follow this model. A second model relies on hearings prior to critical decisions, typical of state administrative procedure acts. Sometimes a participation requirement is broadly stated, leaving the exact method to local option. Chapter II of the Education Consolidation and Improvement Act (ECIA) of 1981 (the federal education block grant program), for example, requires "systematic consultation" with parents in a district.[9]

The major impediment to any effort to expand parental control is that community controlled schools, like other public schools, receive their budgets from a higher government entity. The clients of the community controlled school are not likely to have much leverage in bringing about fundamental change in either programs or practice (Michaelson, 1977). Moreover, such forms of choice require consensus on the part of the families attending a particular school. Without a "community of interests," only those families who are successful at influencing school policy will realize their individual education choice.[10]

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THE PERSPECTIVE OF THE SERVICE PROVIDER

Goals of the Service Provider

Teachers and administrators generally hope to provide a quality education to the children in their care. To this extent, they share in general public goals for education as much or more than other citizens and frequently their interests and those of the consumer coincide. Thus, it is not surprising that most teachers and administrators support policies such as minimum days of instruction, core curricula and standardized graduation requirements. Nor is it surprising that as parents themselves, they seek options in defining educational experiences for their children. They have their own more personal agendas for their professional career as well. Some may seek advancement; others may seek stability. Most will hope for good pay and job security. Many will look for things that seem to make their jobs easier, such as ability grouping, smaller classes and so forth.

Even where the goals of service providers are consistent with those of consumers and the general public, conflicts may arise around a given strategy, because of differences in other goals that abound. Consider a policy decision to improve the quality of education by attracting the most able students to the profession. This prompts consideration of certain strategies, such as raising beginning salaries or merit pay plans. The service providers are equally concerned about equality of education and may even agree that raising beginning salaries is important to this goal. However, their strategy might be to seek across-the-board

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increases in salaries so as to attain other goals, such as security stability and avoidance of conflict among personnel.

Public Strategies to Enhance Goals of the Service Provider

Accordingly, educators have pursued strategies that often are in disharmony with consumers and the general public. They may still focus on dollars and procedures, but their preferences have sometimes differed from those of families or society at large. The most common goals include better pay and better hours, a reduced work load, easier tasks, some degree of stability in day-to-day affairs, job security, prestige, status, an opportunity for advancement, or any combination of these rewards for getting into a difficult business in the first place. Popular strategies have included ability grouping and collective bargaining.

Ability Grouping and Tracking

The widespread use of ability grouping, or tracking, at one time affected 75% to 90% of all schools.[11] Sometimes educators defend such such assignments as educationally necessary. Tracking is urged by those who believe that teachers are better able to gear their presentations to a relatively homogenous group of students. But this practice often has the effect of isolating poor and minority students from majority, wealthier students, both because of educationally disadvantaged backgrounds and errors in classification. This has, in turn, affected the quantity and type of education that students receive (Oakes, 1983).

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Thus, while tracking, or ability grouping may serve as an effective strategy for achieving the personal goals of teachers (and of those among higher tracked students who believe the practice benefits them), it has failed to provide any conclusive education advantage (Persell, 1977). Students of average and low achievement tend to do less well when segregated by achievemen' level (Borg, 1966; Findley, 1970; Rosenbaum, 1976; Bryan, 1977). Students in lower tracks also tend to have lower self-esteem, and to misbehave, drop out or get in trouble with the law (Schafer and Olexa, 1971). They are less likely to plan to attend college (Alexander, 1978; Cook and McDill, 1978).

Tracking also interferes with public goals, in particular with desegregation plans. Tracking, in effect, shifts segregation, from buildings to classrooms. After two years of "desegregation" in Riverside, California, for example, someone noticed that most minority students had been grouped together or placed with low achievers. Not surprisingly, they continued to perform below norms. The most able minority group children, however, were placed in majority white classes and experienced increases in test scores (Gerard, 1969).

In sum, while ability grouping and tracking appears to have advanced certain goals of teachers and administrators, this strategy has been at odds with family choice inasmuch as it impedes parental or student decisions regarding the selection of courses or peer groups. Moreover, tracking appears to have negative implications for desegregation and is thus inconsistent with an important public goal.

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Collective Bargaining

Collective bargaining by teachers is a reality in most public schools today; 31 states grant collective bargaining rights to teachers (Ross and Mosqueda, 1980). There is evidence that it has been an effective strategy for attaining this group's personal goals. With respect to salaries (for which, perhaps, the larger body of literature exists), even those who argue that the effect of collective bargaining has been marginal admit that teacher salaries are higher than they otherwise would have been (Lipskey, 1982). Moreover, it has been argued that the greatest impact of collective bargaining has been on standards for the profession, influencing certification, tenure, contractual rights, protection against arbitrary treatment, and participation in decision making (Perry, 1979).

Increasingly, teacher unions are treating education policy issues as proper subjects of collective bargaining. During the seventies, the goals of teachers were to reduce the school year, school day and class size, and to make nonteaching activities either voluntary or compensable (Hall and Carroll, 1973; Perry, 1979). Today, teacher unions are actively engaged in debates over how best to improve the effectiveness of schools and one can expect them to influence reform proposals, particularly those relating to teachers. Among their goals will be improved compensation and the preservation of previously achieved gains in working conditions and rights.

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It is not clear how collective bargaining harmonizes with choice. To the extent that teacher unions have supported teacher certification and tenure, it can be said that they have contributed to the implementation of policies that conflict with choice. For instance, teacher certification is an issue closely related to curriculum control in that it can (and has) been used to exclude personnel from the school labor market, limiting diversity in training and orientation. A homogenous group of teachers and administrators contributes to a homogenous education.

On the other hand, teacher unions have been an important political force in marshalling resources for education. And, to the extent that educational innovations have been labor intensive, they have supported reforms designed to expand choice. Perhaps all that can be said is that where strategies to expand choice are consistent with the goals of teachers, few conflicts have emerged.

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THE PERSPECTIVE OF SOCIETY

Societal Goals

In contrast to individual goals of students and their families, and teachers and administrators, is a set of public goals that represent society's collective values, determined through the political process. The public school is expected to serve many such goals:

- Assuring mastery of basic skills in the use of words and numbers
- Imparting habits and attitudes associated with responsible citizenship
- Transmitting a skilled work force ready to engage in productive work
- Developing an understanding in youngsters of their personal worth and membership in society
- Developing appreciation of the diverse social, cultural, ethnic forces that comprise American life
- Prevention of exploitation of child labor
- Keeping children out of trouble
- Providing custodial care of children of working parents
- Racial desegregation and, in some cases, racial integration or racial balance
- Enhancing choice in education for individuals
- Meeting the needs of teachers and administrators; attracting and keeping competent personnel into schools

Not only do these public goals sometimes conflict with individual goals, they also sometimes conflict with each other. The greatest potential for conflict occurs between the goal of enabling choice and the other goals, for this singular goal implies a need for less control by public policy makers over

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education strategies. The others are mostly complementary. For example, keeping children in school, where teachers and others can supervise them closely, also helps to keep them out of trouble, and prevents exploitation of child labor -- an early incidental goal of compulsory attendance laws, ideal to an industrial age (Umbech, 1960; Ensign, 1921; Kotin and Aikman, 1980). Similarly, the needs of employers in a highly technical economy, and other goals of compulsory education work well together, for if the schooling experience is successful, children will develop into appropriately trained adults. Although desegregation does not clearly support the other goals, nor does it conflict with them, except for the goal of enabling choice. Even here, some forms of desegregation enhance choice.[12] Magnet schools, for example, rely on voluntary selection to achieve better racial balance in schools. Even a fully voluntary system, such as the public school voucher experiments, has potential to achieve desegregation, with appropriate constraints (Lines 1978).

Strategies for Achieving Societal Goals

These broad societal goals translate into a limited number of strategies. Most important:

- Compulsory attendance laws guarantee that all children receive an education at least from ages six to 16.
- Relatively uniform course offerings and high school graduation requirements have been instituted to ensure that all children receive a standardized education.
- Accountability mechanisms have been established so that all of the above takes place in the most efficient, cost-effective manner possible.

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- Recent school improvement efforts promise to change the rules as to time a student spends on particular tasks, and generally to toughen accountability mechanisms.
- Laws have been enacted to guarantee equal access and opportunity to learn, and rules and procedures established to assure fair and equal treatment in schools.

Compulsory Attendance Laws

Compulsory attendance requirements, by definition, deny choice at the outset. These laws were developed precisely to assure attendance at schools, regardless of whether a family or individual child desired such result. Typically, these laws require attendance at school for a specified number of hours per day, and days per year. In almost all states, parents and sometimes children who fail to observe the law, face criminal sanctions. While some states require that the child be educated -- leaving open a number of choices outside the traditional schooling experience -- most states require school attendance. Many states make private school attendance or home instruction an exception to the requirement, and in some cases this has meant placing the burden of proof on the family to show adequacy in the private choice, rather than on the state to show inadequacy (Lines, 1983).

Because of the overbearing nature of such laws, courts have found some constitutional barriers to their application, particularly in the guarantees of free exercise of religion and freedom of speech. Such judicial exemption from all or part of the compulsory requirement derives from a recognition that education is an extremely value-laden undertaking, and may

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profoundly conflict with an individual's values.

Such judicial intervention is relatively recent, however. Those who worked to develop the public school, and make attendance compulsory believed that they could and should impart a value system, including the particular values of Protestant Christianity. Reformers such as Horace Mann did not argue against the religious goals of public schooling, but argued only for a nondenominational approach to the curriculum (Lines, 1984). Thus, in a not too distant past, a Buddhist parent was found guilty of violating the compulsory education laws upon withdrawing his child from the public school in protest of the reading of the Twenty-Third Psalm.[13] Indian parents have, as recently as the 1970s, been forced to leave traditionally Indian schools against their wishes, as a result of desegregation orders.[14] Handicapped children, previously excluded from public schools, once admitted have often found themselves in special classes or special schools, against their parents wishes.[15]

In the end, however, the Supreme Court has ruled that we must balance the interest of the state against that of the individual. The state's requirements must be narrowly drawn to specifically address the legitimate interest that is to be addressed. Thus, in the case of Wisconsin v. Yoder the Court has ruled that the compulsory attendance law of Wisconsin could not be constitutionally applied to the Amish. On one hand the state has a strong interest in assuring that all children grow up to be self-sufficient and good citizens. On the other hand, the Amish have a strong and sincere religious objection to formal schooling

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beyond the eighth grade, and a social structure that under the test of time, has met the goals of self-sufficiency and good citizenship in alternate ways. After considering these things, the Court in this case ruled in favor of the Amish.[16]

Curriculum and Graduation Requirements

The idea behind compelling education also embraces the compelling of curricula and graduation requirements. Hence, children must face not just a school attendance requirement, but a requirement that certain courses be taken. The adoption of Carnegie units and similar conventions further force standardization.

Once a child is in school, however, constitutional provisions again protect her/him from specific aspects of the curriculum, in specific cases. Families who have a sincere religious objection to a portion of a school program are often able to persuade school authorities or a court to excuse those children from the requirement. Sex education or family life courses are rarely required, because of the frequent objections to them. Courts have excused children from the requirement of a pledge to the flag, physical education courses where the family was able to show a sincere religious objection based upon the scant clothing worn by other (nonobjecting) students in a coeducational class,

Concern for children whose religious or moral values conflict with certain course requirements has led the judiciary to excuse Seventh Day Adventists from a flag salute requirement[17] and Pentecostalists from attendance at coeducational physical

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education classes, where they objected to the immodest attire worn by members of the opposite sex.[18] On the other hand, a court has refused to excuse children from health and music classes because of religious objections to the use of audio-visual materials.[19] Legislatures have also been sensitive to individual values and beliefs, and typically where they have required sex education (or family life) courses be offered, they have also made the courses optional, or have provided for an excusal policy.[20]

Accountability

Legislative concern with accountability has generally been at odds with choice. As mentioned, policies that focus on "input" -- policies designed to strengthen teacher accreditation and certification requirements, inservice training requirements and professional evaluation procedures -- have stifled diversity in the training and preparation of teachers and administrators. Only now are states beginning to examine the possibility of, for example, involving private sector expertise in the classroom.

Also of significance has been the implementation of statewide assessment programs, and similar policies focusing on "output." Thirty-two states now have minimal competency legislation to make students accountable for their academic performance, and 17 states use those tests as an exit exam for high school graduation (Anderson, Citron and Pipho, 1983). Testing requirements for promotion or graduation make it clear that a student must not only spend time in a course, but must concentrate sufficient energy on

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the subject matter to pass a particular test. While the courts have had some criticism of competency testing programs, the objections are based upon specific issues, such as the adequacy of notice[21] or the use of culturally biased tests producing racially disparate results, or the use of tests to carry forward the effects of past illegal race segregation.[22] Testing requirements have won basic acceptance in the courts, and they serve to further restrict the free spirit who might otherwise find some education requirements easy to shrug off.

School Improvement Efforts

Priorities in education appear to be changing once again with recent studies of education in the United States emanating from both public and private sources. At least 10 major national reports have been submitted in 1983. Innumerable reports from over 100 state task forces are still forthcoming, all considering education improvement. Virtually all of these reports recommend more rigorous requirements for curriculum. Even The Paideia Proposal, which recommends no specific courses, nonetheless recommends a system of learning and teaching that will require the student to spend additional time mastering certain subject areas. Similarly, the Goodlad report, A Place Called School, argues that a core curriculum should not consist of common courses, but of a common set of principles, concepts and skills, but time is needed to implement such recommendations. Typical of the remaining reports is Nation at Risk, which specifically urges four years of English, three years of mathematics, three years of science, three

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years of social studies and one-half year of computer science. Action for Excellence specifically recommends elimination of "soft, nonessential courses."

All of these reports contemplate more time devoted to what those who fashioned the reports considered priority areas. This time will come at the expense of something -- "soft" courses, extracurricular activity, perhaps music and fine arts. In short, to the extent that education policy makers pursue any of these recommendations, they will restrict choice among students.

Some of the recommendations also advise a lengthened school day and longer school year. A number of states are already moving in this direction. Here again, education choice is restricted for those who do not want to spend more time in school -- including much more than a majority of most students and parents, according to recent polls.[23] To the extent that children, like everyone else, have finite time to spend on education, pursuit of these recommendations will reduce choice where a family does not agree with the increased emphasis on basic education.

Perhaps more important than what these reports say is what they do not say. Most of them ignore the issue of choice. This is unfortunate since expanding the options available to students should be considered as a viable school improvement strategy. The only reports to raise the issue, Carnegie and the Twentieth Century Fund, offer recommendations limited in scope. The Carnegie report suggests that a network of residential academies for the gifted be established.[24] The Twentieth Century Fund report calls for special federal fellowships to fund

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individualized programs for the educationally disadvantaged.[25] Both recommendations miss the mainstream.

Desegregation and Other Requirements for Equity

Many critics of typical court-ordered desegregation plans emphasize the lack of choice in the matter. For example, David Armor, an outspoken social scientist criticizing busing programs, although acknowledging that moral issues are at stake in desegregation policy, finds such programs too coercive and unjustified, primarily because he believes they offer no education benefit. He has argued that "[t]he moral imperatives permitting coercion in social policy make it unlikely, in my opinion, that our courts would have abandoned the traditional neighborhood school policy in favor of mandatory busing without the belief that they were actually benefiting the education of black students."[26]

On the other hand, the Supreme Court in Brown chiefly condemned the inherent inequality resulting from a situation where people had no choice in the matter, and were segregated upon the assumption that they were inferior. Since Brown, the Court has continued steadfastly to require proof of intentional acts to segregate children, in harmony with its original view of the nature of the wrong. The Court will not require a district to desegregate merely because of racial imbalance due to factors beyond the control of school officials.[27] As such, the desegregation remedy is the judicial answer to a historical denial of choice.

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Some forms of desegregation do not interfere with education choice, but work with it. Magnet and alternative schools have already been discussed. These are frequently adopted, in part, to foster desegregation. This was the case in, for example, Cincinnati; it was a secondary goal in Minneapolis and Eugene (Bass, 1978).

Expanded choice in housing is another. Housing policies that enable low income families to choose housing in a wider variety of locations allows those families to consider the schools in an area, just as middle income families do. Typically, both federal and state governments have tended to concentrate public housing projects in inner cities, creating or contributing to ghettoes of low income families (Orfield, 1983).

When they disperse housing choice, they often must battle political pressure, "snob" zoning ordinances, and other forms of local resistance. Nonetheless, housing agencies in a number of states -- New York, Massachusetts, Michigan, Maryland, and California, to name a few -- have actively promoted racial integration in housing policies and so incidentally promoted choice in schools.

New York established the strong New York State Urban Development Corporation, giving it power to condemn land and broad authority to issue bonds. It also enjoyed tax exempt status on residential property. The UDS had an explicit mandate to promote diversity in housing communities, and authority to override suburban zoning and land use decisions. However, it lost its

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power over suburban zoning the first time it tried to use it in any significant way.

By 1982, Illinois managed to produce 13,000 new housing units, mostly in the suburbs, about one-third of which were subsidized. Michigan's housing program had explicit integration goals and procedures. Maryland and California took advantage of heavy pressure to develop certain areas, and simply required developers to provide low and moderate income rentals without federal subsidies as a condition to granting the necessary permits (Orfield, 1983). Such programs incidentally have increased the potential for education choice, but little is known about the extent to which low income families have actually selected a subsidized residence based upon an appraisal of the schools serving the area.

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COMPATIBILITY OF CHOICE AND EDUCATION REFORM

It would not be much of an exaggeration to say that the public schools always seem to be undergoing reform. Identifying these reforms helps to understand the countermovement for family choice.

A variety of strategies have been pursued to enhance the options available to the consumers of education. Some have involved expanding the curricular choices within schools. Others have involved expanding the choices of schools themselves. Still others have focused on control over the decision-making process in education.

Yet, when viewing education from different perspectives (i.e., teachers, administrators and the general public) one discovers that the multiplicity of goals and strategies present are often in conflict with the choices desired by consumers. Given this conflict, what are the prospects for enhancing choice while simultaneously satisfying other education goals?

Public goals are those requiring a political majority, sufficient to achieve legislative support. But to achieve this majority support, it often becomes necessary to make exceptions to the rule. Second, it seems obvious that policies that serve multiple goals of individuals -- both among consumers and providers of education service -- will win political support most readily. Conversely, policies that pose conflicts among individual goals face political difficulty.

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Strategies designed to achieve broad public goals conflict with some family goals. For example, a family that seeks a school with a certain socioeconomic or racial mix may be dismayed by a school desegregation effort, while another family may be pleased. In a few instances, strategies have had dual purposes, as in the case of certain school desegregation strategies. For example, magnet schools have been developed to serve the goals of desegregation and choice alike. Another way to serve both goals, particularly for low income families, would be to expand housing choices. Such approaches help to limit the opposition to those opposed to desegregation, regardless.

Where teachers seek better pay, it may conflict with choice if families prefer higher investments in physical capital (e.g. microcomputers). Where teachers seek shorter hours, it may conflict with choice if families opt for longer hours. Where teachers seek job security, it may conflict with choice for type of teacher. By definition, compulsory attendance laws conflict with choice inasmuch as they mandate minimum days and attendance and perhaps even contact hours of instruction.

Alternative schools appear at first glance to be the answer to any conflict in individual goals. However, specific concern for efficiency and cost, and generalized doubts about education quality raise some opposition to them. Some educators also fear that they will interfere with desegregation goals. The proliferation of elective courses raise much the same problems as do alternative schools. The use of parental participation is no answer when there is no consensus among parents in the chosen

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unit. Tracking, while denying choice to those in lower tracks, helps teachers and students who prefer the system to achieve their goals.

Clearly, choice policies that are most likely to succeed are those that complement broader public goals, and other individual goals of consumers and providers. Those likely to fail do not take these other factors into consideration. Conversely, those broad public reforms most likely to succeed are those that take into account the perspective of the consumer, and provide for accommodation of dissenting views wherever it is possible to make such accommodations without sacrificing the public goals. These basic facts of life and education governance are particularly important today, as education officials seek new education reform.

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FOOTNOTES

1. George Cheever, an early advocate of compulsory education laws. Quoted in L. Cremin, The American Common School An Historic Conception (N.Y.: Teachers College, Columbia Univ., 1951).

2. The Civil Rights Act of 1964 initiated new and effective implementation efforts. Districts under court order were somewhat slower to implement efforts, but a directive from the Supreme Court speeded up activities. Green v. County School Board, 391 U.S. 430 (1968).

3. Seattle, for example is exploring an alternative based on a particular education philosophy and self-paced curriculum. Education Week (Jan. 25, 1984), p. 3, col. 1. St. Paul is considerating at least four magnet schools, as part of a desegregation program. Education Week (Feb. 8, 1984), p. 3, col. 5.

4. An example is the Academic Interest Center in Lansing, Michigan where students are drawn from the city's four high schools for specialized instruction during portions of the school day.

5. E.g., Ariz. Rev. Stat. sec. 15-796 (Supp. 1982), Cal. Educ. Code Sec. 56001(k) (West Supp. 1983); Conn. Gen. Stat. Ann. sec. 10-76d(b) (West Supp. 1983); Ky. Rev. Stat. Ann. sec. 157.280 (Supp. 1982).

6. From fall 1972 to fall 1975, the Blacks in the system increased slightly from 11.5% to 11.9% of the total school population. The school that had the heaviest concentration of Blacks in 1972 (Slonaker with 27.4% Black enrollment) remained nearly stable (increasing to 29.9% Black enrollment in 1975). The school with the next most Blacks (Arbuckle with 25.7% in 1972) lost Blacks (dropping to 20.6% in 1975).

   The concentration of Spanish-surnamed children grew in the district from 51.3% in 1972 to 55.1% in 1975, and also grew in some schools. For example, the school with the largest percentage of this group in 1972, Coniff with 70.2%, increased to 75.9% in 1975. The school with the next largest percentage was San Antonio with 66.9% which increased to 73.4% in 1974. On the other hand, one school, Ocala, had no Spanish-surnamed children in the fall of 1972, and had 43.4% in 1975.

   Overall racial ratios were fairly stable, and in the 1975-76 school year the minority population in 15 of 25 schools was within 10 percentage points of the districtwide total. Alum Rock Union Elementary School District, Racial Ethnic

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Percentages Report (October 1974) and Student Racial/Ethnic Survey 1975-76 (Winter 1975) (unpublished reports on file at Alum Rock School District).

7. Title I of the Elementary and Secondary Education Act of 1964, 20 U.S.C. sec. 2735(a)(1) (Supp. 1983). The section required an LEA to establish an advisory counsel for each project. While the language has not been repealed, it is no longer operable, since the Education and Consolidation Act of 1981 is the new funding mechanism for this program, and it makes only specific sections of the prior Title I applicable. 20 U.S.C.A. sec. 3803 (Supp. 1983).

8. California Annotated Statutes, section 54630 (West Supp. 1983); Florida Annotated Statutes, section 229.58 (West Supp 1983); South Carolina Statutes, section 59-20-60 (Supp. 1983).

9. Chapter II funds are contingent on "systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups . . . " 20 U.S.C.A. sec. 3816 (West Supp. 1983).

10. John Coons and Stephen Sugarman popularized the notion of community of similar values versus a geographic community. They argue that reforms such as community control fall well short of the type needed to achieve individual education goals. See Education by Choice (Berkeley, Calif.: University of California Press, 1978), pp. 29-30.

11. A 1962 survey of 3,418 school districts of over 2,500 in population reported that 77% of the elementary schools and 90.5% of the high schools were ability grouped to some degree. National Education Association, Research Division, "Ability Grouping" (Research Memo 1962-29, Washington, D.C., 1962). Most of those who report no ability grouping were planning to institute grouping in the future. See also Cohen, Pettigrew and Riley, "Race and Outcomes of Schooling," in Mosteller and Moynihan, eds., On Equality of Educational Opportunity (Random House, 1971), p. 355. Based on EEOS data, they reported that among secondary schools surveyed 89.9% at grade 12 and 91.3% at grade 9 practiced some form of ability grouping.

12. In 1968 the Supreme Court recognized that it faced massive lethargy on the part of southern school districts subject to the Brown decision, and held that "[t]he burden on a school board today is to come forward with a plan that promises realistically to work now." Green v. County School Board, 391 U.S. 430,439 (1968). See McKay, "With all Deliberate Speed": Legislative Reaction and Judicial Development 1956-57, 43 Va L. Rev. 1205, 1206, 1245 (1957).

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13. Commonwealth v. Renfrew, 332 Mass. 492, 126 N.E.2d 109 (1955). The court upheld the convictions of Buddhist parents for failing to send their child to public school, rejecting their defense based on objections to the teaching of the Twenty-Third Psalm and the Lord's Prayer. They were teaching their child at home, but without the local superintendent's approval.

14. See State v. Chavis, 45 N.C. App. 438, 263 S.E.2d 356, cert. denied, 300 N.C. 377, 267 S.E.2d 679 (1980). The court held that Indians do not have a constitutional right to attend the historically Indian school which they had attended prior to a desegregation plan. Parents were found guilty of violating the compulsory attendance law when they had their children report to the prior school. See also In the Matter of Shelby Jane and Abe McMillan, 30 N.C. App. 235, 226 S.E.2d 693 (1976). Indian parents refused to send their children to public schools, protesting the lack of attention to Indian heritage. The court held that a deep-rooted conviction for Indian heritage is not on an equal constitutional plane with religious belief and thus Indian parents may not refuse to comply with compulsory attendance laws on the grounds that the public schools did not teach Indian culture and heritage. The court found that the parents had not provided a sufficient alternative education.

15. See, e.g., City of Akron v. Lane, 65 Ohio App.2d 90, 416 N.E.2d 642 (1979). A parent was convicted of violating the compulsory school attendance law after withdrawing a hearing-impaired child from a special school and hiring a tutor to provide home instruction; the home program was not approved by the local school superintendent. State v. Ghrist, 222 Iowa 1069, 270 N.W. 376 (1936). A father, wishing to have his disabled son remain in regular public schools, and refusing to send him to the assigned school (a special ungraded school), was found in violation of the compulsory education law. The school board ruled that the only proper school to send the boy to was the ungraded school, based on individual proficiency.

16. Wisconsin v. Yoder, 406 U.S. 205 (1972).

17. Commonwealth v. Johnson, 309 Mass. 476, 35 N.E.2d 801 (1941). The court reversed a decision to send three children to training school as habitual truants. They were not in school because they had refused to salute the flag and pledge allegiance to it, citing religious beliefs. The court held on statutory grounds, finding that, although flag saluting was required, no punishment was prescribed for refusing to do so. See also People ex rel. Fish v. Sandstrom, 279 N.Y. 523, 18 N.E.2d 840 (N.Y. 1939). The court reversed judgments against the parents for violating compulsory attendance laws,

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finding that although the child was repeatedly sent home for refusing to salute the flag, her parents continued to send her to school and never themselves kept her out of school.

18. Moody v. Cronin, 484 F. Supp. 270 (C.D. Ill. 1979). It was inadequate, in plaintiffs' view, to permit them to wear modest clothing themselves, because of their objection to visual and physical contact with members of the opposite sex who were attired immodestly. Id. at 272. But see Ouimette v. Babbie, 405 F. Supp. 525 (D. Vt. 1975). Only after the case was filed, did the plaintiff forward as a reason for being excused from physical education classes, her objective to competitive sports. The court ruled against her.

19. Davis v. Page, 385 F. Supp. 395 (D.N.H. 1974) (the audio-visual case).

20. Courts generally uphold such policies. See Smith v. Ricci, 89 N.J. 514, 446 A.2d 501 (1982). Citizens for Parental Rights v. San Mateo County Bd. of Educ., 124 Cal. Rep. 68, 84--86, 51 Cal. Rep. 3rd 1 (Ct. App. 1975).

21. Debra P. v. Turlington, 644 F.2d 397 (5th cir. 1981); Board of Educ. v. Ambach, 436 N.Y.S. 2d 564 (Supra. Ct. Albany County 1981); Anderson v. Banks, 520 F. Supp. 472 (5.D.Ge., 1981).

22. Debra P. v. Turlington, supra; Anderson v. Banks, supra.

23. Only 4% of 2,000 students surveyed agreed with recommendations for an extended school day or extended school year. Those surveyed are listed in Who's Who Among American High School Seniors. Well over a majority agreed with other recent recommendations for improving excellence; 56 percent agreed on use of competency testing; 67%, on tough graduation standards; and 76% on tougher teacher standards. Education Daily (Nov. 8, 1983), p. 5.

    In a second telephone survey, relying on a nationwide sample of 675 parents of children ages 2-17, by Research and Forecasts, Inc. (N.Y.), for Grolier, Inc. (Danbury, Conn.), 71% of parents said children already spent enough time in school. Education Daily (Sept. 26, 1983), p. 1.

24. Boyer, Ernest L., High School A Report on Secondary Education in America, New York: Harper and Row, 1983 p. 315.

25. Report of the Twentieth Century Fund Task Force on Federal Elementary and Secondary Education Policy (New York: Twentieth Century Fund, 1983), pp. 17-18.

26. 347 U.S. 494, n. 11 (1954).

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27. See Washington v. Davis, 426 U.S. 229 (1976).

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